

Appeal Decision

Site visit made on 21 February 2017

by Amanda Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 March 2017

Appeal Ref: APP/E3715/W/16/3161730

Land to the west of Ash Fell, 13 Hall Lane, Wolvey, Rugby LE10 3LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr and Mrs G Dye against the decision of Rugby Borough Council.
 - The application Ref R16/1163, dated 12 May 2016, was refused by notice dated 13 July 2016.
 - The development proposed is erection of detached dormer bungalow on land at the rear of his existing dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - the living conditions of occupiers of Ash Fell with particular regard to outlook;
 - whether the development would be a rural exception site with regard to local and national policies; and,
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Inappropriate development

1. The appeal site comprises land currently used as amenity space for Ash Fell which is a detached dwelling at the end of a cul de sac, Hall Lane. The site abuts agricultural land to the immediate north and west, and is bounded to the
-

south by a bungalow. The site is situated on the edge of Wolvey, which is a small village in a predominantly rural area.

2. The development would comprise the construction of a 3 bedroomed chalet bungalow, orientated in line with the bungalow to its immediate south. Its main front elevation would be approximately 22 metres from the rear elevation of Ash Fell, although there would be a small projection forward of this line.
3. Paragraph 79 of the National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 89 of the Framework advises that new buildings in the Green Belt are inappropriate development unless they fall within the given exceptions. One of these exceptions is limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
4. A challenge to relating to the definition of garden land outside built-up areas¹ has confirmed that gardens outside built-up areas represent previously developed land. On this basis, the appeal site constitutes developed land. Consequently, the development would only be considered inappropriate if it had a greater impact on openness, and on the purpose of including land within the Green Belt, than the existing amenity space.

Openness

5. Openness, although not defined in the Framework, is essentially freedom from development. The appeal site contains timber sheds and other structures which are of a temporary nature and so cannot be considered to represent development in this context. The proposed bungalow and garage would represent a significant loss of openness on the site, but given the site's limited size and its existing enclosure by dwellings, I give this harm moderate weight. However, as the development would have a greater impact on openness than the existing development, it would be inappropriate development in the Green Belt according to the provisions of Paragraph 89 of the Framework, as outlined above, as well as LP Policy CS1 which reflects national guidance in this respect.

Character and appearance

6. The appeal site has a clear and distinct boundary with the surrounding agricultural land on two sides. The proposed bungalow would reflect the built form and style of other bungalows on Hall Lane, and its orientation would align with that of both Ash Fell to the east and the neighbouring bungalow to the south.
7. The Council argues that the dwelling's bulk, height and mass would be detrimental to the character of the street scene, and the character and appearance of the area, and the openness of the Green Belt. I have dealt with openness in relation to the Green Belt above, and my observations on site led me to conclude the dwelling would not be seen from Hall Close.

¹ Dartford BC V SSCLG (CO/4129/2015)

8. It would however have dormer windows and more bulk and mass than the adjacent bungalow which does not appear to have roof accommodation. However, it would be lower in height than Ash Fell.
9. The main views of the dwelling would be from the adjacent agricultural land, and although it would be prominent in close views, from further away it would merge into the overall building pattern and it would not project into the adjacent agricultural land.
10. As such, given the development's scale and position in relation to nearby dwellings and because the site is already bounded on two sides by residential development, I am not satisfied that it would be detrimental to the character and appearance of the area. Consequently, there would be no conflict with the design aims of Policy CS16 of the Local Plan² (LP).

Outlook

11. The Council argues that the dwelling would have an overbearing effect on the rear garden of Ash Fell whose boundary would be some 10 – 12 metres away. However, the ridgeline of the dwelling would be approximately 6 metres high, and it would be a single storey dwelling. Although there would be some enclosing effect and views from the rear of Ash Fell would no longer include open farmland, I am not satisfied that there would be a significantly detrimental effect on the living conditions of Ash Fell's occupiers. As such I find no conflict with LP Policy CS16 which seeks to safeguard the amenities of existing and future occupiers.

Rural Exception Site

12. LP Policy CS21 allows the development of affordable housing adjacent to settlements, where there is a demonstrable need for housing for local people. However, the development would not be available for occupancy by eligible local people at an affordable cost and therefore it would not fall into this category of a rural exception site.

Other matters

13. The appellant has suggested that the adjoining land has been identified as a potential housing site in the Draft local Plan. However, this is unsupported by adopted housing allocation information from the Council. In any case, a draft Local Plan carries little weight. The appellant also argues that Wolvey has a policy which states a requirement for more bungalows, but again there is no supporting evidence.
14. I concur with the appellant that the boundary of the Green Belt appears unrelated to plot boundaries, topography or landscape features. Nonetheless, the appeal site lies within the Green Belt and I have determined the appeal on that basis.
15. Furthermore, no special circumstances have been advanced to weigh against the loss of openness I have identified. The appellant has also argued that the development would provide an opportunity for downsizing. I appreciate that there may not be suitable dwellings within the village but this does not alter my reasoning. In any case, the development bungalow would have three

² Rugby Borough Council,

bedrooms, as well as a separate study and utility room and so would not be a particularly modest dwelling. As such I am not satisfied that this in itself would represent special circumstances sufficient to clearly outweigh the harm I have identified in respect of openness in the Green Belt.

Conclusion

16. The proposal is inappropriate development which by definition is harmful to the Green Belt and the Framework requires substantial weight to be attached to that harm.
17. Consequently, as the harm from this development is not clearly outweighed by other considerations, the very special circumstances required to allow inappropriate development in the Green Belt, do not exist.
18. For these reasons and taking all matters into account, I conclude that the development would not comply with relevant national policies in respect of the Green Belt or the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR